

SEP 29 2004

09/30/04

RCE#

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/683,548
Filing Date	January 16, 2002
First Named Inventor	John Austin Burns
Art Unit	1638
Examiner Name	Stuart F. Baum
Attorney Docket Number	38-21(51450)B

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, or credit any overpayments, to
- a. ☒ Deposit Account No. 13-4125
- i. ☒ RCE fee required under 37 CFR 1.17(e) 10/01/2004 MAHMED1 00000017 134125 09683548
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 DA
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	M. Todd Rands	Registration No. (Attorney/Agent)	46,249
Signature	<i>[Signature]</i>	Date	9/29/04

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Exp. Mail #EV114073204US addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Michelle Ludwig	Date	9/29/2004
Signature	<i>[Signature]</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Burns et al.

Serial No.: 09/683,548

Filed: January 16, 2002

For: Novel Multiple Shoot Proliferation and
Regeneration System for Plants

Conf. No. 7713

Group Art Unit: 1638

Examiner: Stuart Baum

Atty Docket: 38-21(51450)B

AMENDMENT AND REMARKS
IN RESPONSE TO OFFICE ACTION MAILED MAY 20, 2004

MAIL STOP RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.10

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail "Post Office to Addressee" Mailing Label Number EV114073204US in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

September 29, 2004

Michelle Ludwig
Michelle Ludwig

Sir:

In response to the Final Office Action dated May 20, 2004, Applicants submit the following Amendment and Remarks. This paper is filed with the accompanying Request for Continued Examination (RCE). In a separate Petition, Applicants have requested and paid the fee for a two-month extension of time. Thus, this response is timely filed by October 20, 2004. If any fees under 37 C.F.R. §§ 1.16 to 1.21 are required for any reason relating to this document, the Commissioner is authorized to deduct the fees from the Monsanto Company Deposit Account No. 13-4125.

Amendments to the claims are reflected in the claim listing provided below. A **Remarks** section follows the listing of the claims.